

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

IN RE TRICOR INDIRECT PURCHASER)	
ANTITRUST LITIGATION)	C.A. No. 05-360 (SLR)
)	(consolidated)
THIS DOCUMENT RELATES TO:)	
C.A. NOS. 05-360; 05-365; 05-390; 05-394;)	
05-426; 05-450; 05-467; 05-475; 05-482;)	REDACTED PUBLIC VERSION
05-516 AND 05-695)	

**SUPPLEMENTAL DECLARATION OF CHRISTOPHER J. MCDONALD
IN FURTHER SUPPORT OF END-PAYOR PLAINTIFFS'
MOTION FOR CLASS CERTIFICATION**

CHRISTOPHER J. McDONALD, hereby declares as follows:

1. I am a member of the bars of the State of New York and the Southern and Eastern Districts of New York. I have also been admitted to appear *pro hac vice* before this Court in the above-captioned action. I have personal knowledge of the facts set forth herein and, if called as a witness, I could competently testify to the matters set forth herein.

2. In connection with End-Payor Plaintiffs' Motion for Class Certification [D.I. 116], I submitted a declaration in support [D.I. 118, 119, 126] and a reply declaration [D.I. 253]. I now submit this declaration to further supplement the record with materials referred to in the "Supplemental Memorandum in Support of End-Payor Plaintiffs' Motion for Class Certification [D.I. 116]", filed simultaneously herewith. The exhibit numbering in this declaration picks up where my reply declaration left off.

3. In my previous declarations, I attached the Declaration of Dr. Charles King III dated May 5, 2006 ("King Class Decl.") [McDonald Decl., D.I. 118, Ex. 1] and Reply Declaration of Dr. Charles King III dated Oct. 3, 2006 ("King Class Reply Decl.") [McDonald Reply Decl., D.I. 253, Ex. 49]. Dr. King has since submitted declarations during the expert

discovery phase of the litigation, some of which have been submitted by Defendants in connection with the motion for class certification.

Expert Reports Concerning Product Market Definition

4. On December 15, 2006, End-Payor Plaintiffs served the Declaration of Charles King III Concerning Liability and Product Market Definition, dated Dec. 15, 2006 ("King Liability Declaration."). A true and correct copy of the King Liability Declaration is attached hereto as **Exhibit 72**.

5. In response the King Liability Declaration, among others, Defendants served the Expert Report of Richard J. Gilbert, Ph.D., dated June 29, 2007, which is attached to the Declaration of Anne Shea Gaza in Support of Defendants' Supplemental Brief in Opposition to Direct Purchaser Class Plaintiffs' and Indirect Purchaser Class Plaintiffs' Motions for Class Certification ("Gaza Declaration") [D.I. 376] as Exhibit 11.

6. On October 5, 2007, in response to Dr. Gilbert's report, End-Payor Plaintiffs served the Surrebuttal of Charles King III Concerning Liability and Product Market Definition, dated Oct. 5, 2007 ("King Liability Surrebuttal"). A true and correct copy of the King Liability Surrebuttal is attached hereto as **Exhibit 73**.

7. On or about March 28, 2008, Defendants served the Supplemental Expert Report of Richard J. Gilbert, Ph.D., which is attached to the Gaza Declaration as Exhibit 12.

Expert Reports Concerning Damages

8. On December 15, 2006, End-Payor Plaintiffs served the Declaration of Charles King III Concerning Damages, dated Dec. 15, 2006 ("King Damages Declaration"), which is attached to the Gaza Declaration as Exhibit 8.

9. On or about May 1, 2007, End-Payor Plaintiffs served the Supplemental Declaration of Charles King III Concerning Damages ("King Supplemental Declaration"), dated

May 1, 2007. A true and correct copy of the King Supplemental Declaration is attached hereto as **Exhibit 74**. End-Payor Plaintiffs' motion for leave to serve the King Supplemental Declaration was granted by order of May 14, 2007 [D.I. 319].

10. In response to Dr. King's damages declarations, among others, Defendants served the Expert Report of Margaret E. Guerin-Calvert dated June 29, 2007, which is attached to the Gaza Declaration as Exhibit 4.

11. On October 5, 2007, in response to Ms. Guerin-Calvert's report, End-Payor Plaintiffs served the Surrebuttal of Charles King III Concerning Damages, dated Oct. 5, 2007, which is attached to the Gaza Declaration as Exhibit 9.

This declaration is executed at New York, New York, on May 1, 2008, under penalties of perjury pursuant to the laws of the United States.

/s/ Christopher J. McDonald
Christopher J. McDonald